IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 16434 of 2006(F)

PETITIONER:

V. PAREEDKUNJU, S/O ABDUL KHADAR KUNJU,
MAYYANADU BHAVAN, MAYYANADU P.O., KOLLAM.

BY ADV. SRI.P.A.NOOR MUHAMMED

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. MAYYANAD SERVICE CO-OPERATIVE
BANK LTD.NO.2294, REPRESENTED BY ITS
SECRETARY, KOLLAM DISTRICT.

3. THE SPECIAL SALE OFFICER,
MAYYANAD SERVICE CO-OPERATIVE BANK
LTD.NO.2294, CIRCLE OFFICE, KOLLAM.

R1 & R3 BY GOVT. PLEADER SMT. ANU SIVARAMAN.
R2 BY ADV. SRI.S.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 16434 of 2006

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Dated this the 20th day of July, 2007

JUDGMENT

Petitioner is an agriculturist, aged 84 years. He had availed a loan of Rs.25,000/-. He could not repay the amount. Ext.P1 is the recovery proceedings. He moved Ext.P2 before the Chief Minister and Ext.P3 before the Chief Secretary. He has also produced paper report regarding the proposed scheme to address farmers' woes.

2. Heard counsel for the Bank. He points out that the loan is infact not an agricultural loan. However he points out that if the petitioner makes an application, he can be given the benefit of Circular No.30/2007.

In such circumstances the writ petition is disposed of as follows:

Counsel for the petitioner submits that he will file a petition within ten days from today seeking the benefit of Circular No.30/2007 and also the benefit of payment in instalments. If such a petition is filed within ten days from today, the second respondent will consider the same and take a decision and grant such benefits as the petitioner is

entitled to. Respondent No.2 will also consider the matter of allowing the petitioner to pay the amount found due in instalments. The second respondent will also take note of the fact that the petitioner is aged 85 years. If the petitioner does not submit the application within ten days, the petitioner will loose the benefit of this judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law. If the petitioner makes the application, the proceedings shall be kept in abeyance till a decision is taken.

(K.M. JOSEPH, JUDGE)

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